

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA**

JOHN DOE,

Plaintiff-,

v.

UNIVERSITY OF THE SCIENCES.

Defendants-Appellees

Case Number: 2:19-cv-00358

Judge: SANCHEZ

DECLARATION OF ROSS

Riley H. Ross, does hereby depose and state the following:

1. I am over 18 years of age and competent to testify. I am a member of the Bar of this Court, the Commonwealth of Pennsylvania, and the Third Circuit Court of Appeals.
2. I am one of the attorneys representing the Plaintiff in this matter.
3. The Third Circuit Court of Appeals issued a mandate reversing the decision of this Court granting the Motion to dismiss and remanding this matter on July 20, 2020.
4. Pursuant to Fed. R. Civ. P. 12(a)(4) a responsive pleading was due on August 3, 2020.
5. Counsel for Plaintiff has provided Defendant with a number of opportunities to file an answer prior to seeking this default:
 - a. On August 21, 2020 my co-counsel sent an email to Counsel for the Defendant observing that an Answer had not been filed. Counsel asked, "Please let me know if you intend to file an answer shortly; otherwise we will need to ask for a default." Counsel for Defendant did not respond to this email.

- b. On August 25, 2020, my co-counsel served on Counsel for the Defendant, by email, a Notice of Intent to seek default. A copy of this Notice is attached to this Declaration. Counsel for Defendant responded, “we intend to respond to the Amended Complaint and will address this issue with the judge tomorrow.” Counsel then unfairly accused Plaintiff of “a blatant attempt to unnecessarily drive up litigation fees and costs and distract from the issues currently before the Court.”
6. Plaintiff claims damages in an amount that cannot be ascertained without a hearing and seeks permanent injunctive relief. Plaintiff also claims attorneys’ fees and costs pursuant to 42 U.S.C. §1988.

Signed under the pains and penalties of perjury this 1st day of September 2020.

_____/s/ Riley Ross
Riley H. Ross III

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NOTICE OF INTENT TO APPLY
FOR DEAFULT JUDGMENT

Plaintiff John Doe respectfully provides notice to Defendant of an intent to seek a default judgment. Defendant has failed to plead as required by Fed. R. Civ. P. 12(a)(4)(A). Pursuant to Fed. R. Civ. P. 55(b)(2), Defendant must be served with written notice of at least 7 days before a hearing on any application for a default judgment.

Respectfully submitted,

/s/ Joshua Engel
Riley H. Ross III
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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing has been electronically served via Eail System this August 25, 2020 upon all counsel of record.

_____/s/ Joshua Engel